

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

EMERSON ELECTRIC CO., et al.,

Plaintiffs,

v.

LE CARBONE LORRAINE, S.A., et
al.,

Defendants.

Civil Action
No. 05-6042 (JBS)

ORDER

This matter having come before the Court on Plaintiffs' motions for an order declaring that the Court had personal jurisdiction over Defendant LCL and to compel discovery [Docket Items 99, 100 and 101]; and the motions to file sur-replies [Docket Items 115 and 116]; the Court having reviewed the submissions of the parties in support thereof and in opposition thereto, including the proposed sur-replies; and having heard oral argument on the motions; for the reasons explained in the Opinion of today's date; and for good cause shown;

IT IS this 27th day of **August, 2008** hereby

ORDERED that the motions [Docket Items 115 and 116] to file sur-replies shall be and hereby are **GRANTED**; and

IT IS FURTHER ORDERED that the remaining motions shall be, and hereby are, **GRANTED in part** as follows:

1. The motion [Docket Item 101] for an order declaring that the Court has personal jurisdiction over LCL for claims asserted against it in the Amended Complaint is **GRANTED**;

2. The motion to compel discovery as to the Isostatic Graphite Documents [Docket Item 99] is **GRANTED in part** as to documents already submitted to the United States Department of Justice in connection with that investigation, which shall be produced within twenty (20) days of entry of this Order; and

3. The motion to compel discovery of documents produced to the European Commission in relation to a case imposing fines on Le Carbone Lorraine, S.A., for its participation in a cartel involving electrical carbon and graphite products [Docket Item 100] is **GRANTED** and LCL is ordered to provide to Plaintiffs the documents already produced to the European Commission within twenty (20) days of entry of this Order; and

IT IS FURTHER ORDERED that the parties shall by September 15, 2008, schedule the remaining depositions in this case and Plaintiffs shall not seek to depose any individual whose knowledge pertains exclusively to the isostatic graphite conspiracy; and

IT IS FURTHER ORDERED that the fact discovery in this case shall be concluded by February 3, 2009.

s/ Jerome B. Simandle
JEROME B. SIMANDLE
United States District Judge